

REMARKS

In response to the Election of Species Requirement dated September 22, 2004, Applicants submit the following comments.

The Election of Species is improperly based on individual claims, including dependent claims, rather than on specific figures (i.e. embodiments) of the present Application (i.e. see MPEP 806.04(e)). In a proper restriction requirement, the claims would be restricted out into “groups” of claims which include at least one independent claim and the respective dependent claims (unless the dependent claims include sub-combinations). However, if a dependent claim is merely adding a feature or further defining a feature of the independent claim, then a restriction which separates dependent claims from its respective independent claim is improper. In the current Restriction Requirement, the claims are restricted as “species”, where each sub-species includes, for example, a single “dependent” claim. Therefore, Applicants submit that the current restriction is improper.

Further, even if the current restriction were in proper form, the Examiner omitted numerous claims that were elected in the June 22, 2004 Response to Restriction Requirement. For example, Applicant elected claims 1, 46 and 56, including their dependent claims. This resulted in the election of claims 1-56, 61, 62, 68, 69 and 70. However, the current Restriction Requirement only refers to claims 2-7, 15, 16, 23, 24, 29 and 30.

In view of the above discrepancies, the undersigned contacted the Examiner on October 1, 2004. The Examiner indicated that he is not sure why all claims were not discussed, and requested that the Applicants respond to the Restriction Requirement by noting the errors found

therein, and further to request that the original election of claims 1-56, 61, 62, 68, 69 and 70 be reconsidered. The Examiner indicated that he would reconsider the Restriction and original election upon receipt of a formal response.

Accordingly, Applicants submit that claims 1-56, 61, 62, 68, 69 and 70 should be examined in the present Application. Applicants incorporate herein the comments provided in the June 22, 2004 Response to Restriction Requirement. Further, Applicants reserve the right to file divisional applications on the non-elected claims.

The current Restriction Requirement also notes that claims 23 and 24 of the June 22, 2004 Preliminary Amendment are identical. This is due to an inadvertent typographical error that occurred when creating the Preliminary Amendment. Accordingly, Applicant has included a second preliminary amendment which amends claim 23 back to its original recitations (i.e. as evidenced by claim 23 as originally filed).

On pg. 4 of the Restriction Requirement, the Examiner notes that he cannot find where the term "free oscillation" is disclosed in the specification. Therefore, the Applicant refers the Examiner to pg. 22, line 30 to pg. 23, line 3, as disclosing the concept of "free oscillation".

Finally, the Examiner has indicated that he cannot find the non-patent literature documents of the September 29, 2003 Information Disclosure Statement. Accordingly, Applicant is including herewith a copy of the Japanese patent Abstracts that are listed. The remaining documents listed are *U.S.* Publications. Due to the length of each publication, Applicant is not submitting a second copy of each document with this Response. Rather, the Applicant requests that the Examiner view each publication on the USPTO website.

Response to Restriction Requirement/Preliminary
Amendment
U.S. Application No.: 10/031,408

Attorney Docket No.: Q68137

Applicant respectfully requests the Examiner to provide an initialed PTO 1449 form for the September 29, 2003 IDS with the next Office Action.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

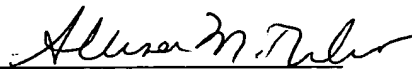
Respectfully submitted,

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